

REMARKS

For clarity's sake, the independent claim 12 was amended to make it clearer that the connecting means comprises both the claimed input and output connections.

Applicants submit that the Examiner is incorrect in his analysis of the disclosure of Graves. Independent claim 12 requires, *inter alia*, that there is a group of one or more shaping units formed as wavelength converters, and a connecting means comprising switching elements for selectively connecting the input or output of one of the signal shaping units to one of several of the input ports or output ports as appropriate. As such, there are two sets of features that are required:

- 1) signal shaping elements; and
- 2) switches to selectively connect each signal shaping element to one of a plurality of input or output ports of the first optical switching matrices.

As such, it is not possible to show these features in Graves. In Graves, it is acknowledged that the optical switch matrices 12a to 12m correspond to the first optical switching matrices claimed. The wavelength converting switch could be seen to correspond to the signal shaping elements claims, again as suggested by the Examiner.

However, in such a case, where are the switching elements that selectively connect the signal shaping elements to the first optical switching matrices claimed? Alternatively, in the terminology of Graves, Graves does ***not*** disclose any switching elements disposed between the wavelength converting switch 14 and the optical switch matrices 12a to 12m.

In the Official Action, the Examiner cited both the optical switch matrices and the wavelength converting switch of Fig. 2 of Graves as disclosing the switching elements claimed. However, there was no disclosure other than the Fig. 2 cited in support of this contention. There is

no teaching in Graves that anything selectively connects the wavelength selective switch 14 of Graves to the outputs or inputs of the optical switch matrices 12a to 12m. The Examiner simply seems to have glossed over that fact.

Indeed, in the “Response to Arguments” section of the Official Action, the Examiner states that there is no requirement for further switches to be provided between the switching matrices and the wavelength converting switch of Graves. However, claim 12 clearly requires “the connecting means comprising switching elements for selectively connecting the output or input of one of the signal shaping units to one of several of the input ports or output ports ... of the first switching matrices”.

This language requires that the connecting means – that is, the connections between the switch matrices and the signal shaping units – must comprise selectively operable switching elements. Accordingly, neither the signal shaping unit, nor the optical switching matrix can form those switches, as they cannot form part of the connection means that connects them.

The Examiner states that the connection means can simply be the signal line indicated as “K” in Fig. 2. However, this is *not* the case, because that signal line is not a selectively operable switch. Nor is there any teaching to selectively couple the wavelength converting switch and the optical switch matrices of Graves.

Accordingly, claim 12 is novel and non-obvious, because Graves does not teach “the connecting means comprising switching elements for selectively connecting the output or input of one of the signal shaping units to one of several of the input ports or output ports ... of the first switching matrices”. The remaining claims are also novel and non-obvious for the same reason.

Petition is hereby made for a one-month extension of the period to respond to the outstanding Official Action to August 21, 2008. A check in the amount of \$120.00, as the Petition fee, is enclosed herewith. If there are any additional charges, or any overpayment, in connection with the filing of this response, the Commissioner is hereby authorized to charge any such deficiency, or credit any such overpayment, to Deposit Account No. 11-1145.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C.

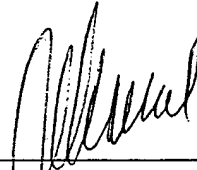
Attorneys for Applicant(s)

425 Fifth Avenue

New York, New York 10016-2223

Tel: (212) 697-3750

Fax: (212) 949-1690



Alan Israel

Reg. No. 27,564